



Patent
Attorney Docket: 032,290-112
(formerly END 897DIV2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

S. Foerster et al.

Serial No.: 10/734,671

Filed: December 12, 2003

For: **METHODS AND DEVICES FOR
DEFINING AND MARKING TISSUE**

Group Art Unit: 3736

Examiner: Anuradha Roy

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants herein request a corrected filing receipt for the above-identified patent application. Enclosed is a copy of the Filing Receipt mailed April 19, 2005, attached as Exhibit A, with the requested corrections added in red. Applicants respectfully ask that the following corrections be made and a new Official Filing Receipt be issued.

The Filing Receipt for the above-identified application (copy enclosed) is incorrect in that it incorrectly lists the priority data. The correct continuing data should be listed as:

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

January 25 2006
Date of Deposit
NB1:674072.1

Cynthia B. Pacheco
Cynthia B. Pacheco

**This application is a CON of 10/213,638 08/07/2002
which is a CON of 09/954,646 09/18/2001
which is a CON of 09/776,125 02/02/2001
which is a CON of 08/858,389 05/19/1997 PAT 6,228,055
which is a CON of 08/308,097 09/16/1994**

The proper priority claim is stated on the enclosed copy of the Amendment and Response and
Petition Under 37 C.F.R. § 1.78(a)(3) For Acceptance of Claim of Priority. We respectfully request
the issuance of a corrected filing receipt.

The Commissioner is hereby authorized to charge any fees that may be required in
connection with the filing of these documents to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: January 25, 2006

By: Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

DKW/cp

O'Melveny & Myers LLP
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660-6429
(949) 760-9600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/734,671	12/12/2003	3736	770	032,290-112	7	4	3

34263

O'MELVENY & MEYERS
 114 PACIFICA, SUITE 100
 IRVINE, CA 92618



CONFIRMATION NO. 6289

FILING RECEIPT



OC000000015775593

Date Mailed: 04/19/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Seth A. Foerster, San Clemente, CA;
 Fred H. Burbank, San Juan Capistrano, CA;
 Mark A. Ritchart, Murrieta, CA;
 Elias A. Zerhouni, Baltimore, MD;

Power of Attorney:

Philip Johnson-27200
 David Murphy-31125
 Joseph Shirtz-31880
 Verne Kreger Jr-35231
 Dean Garner-35877

John Kappos-37861
 Polaphat Veravanich-45179
 Diane Wong-54550
 Gerry Gressel-34342

O'Melveny & Myers LLP

File: 032,290-112

Action Item: _____

Date Due: _____

Critical Date: _____

Attorney Path: JCR/WRW

Docketed By: _____

Verified By: _____

Domestic Priority data as claimed by applicant

This application is a ^{CON} of 10/213,638 08/07/2002
 which is a ^{CON} of 09/954,646 09/18/2001
 which is a CON of 09/776,125 02/02/2001
 which is a CON of 08/858,389 05/19/1997 PAT 6,228,055
 which is a CON of 08/308,097 09/16/1994 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 02/01/2005

The country code and number of your priority application, to be used for filing abroad under the Paris

Convention, is **US10/734,671**

Projected Publication Date: 07/28/2005

Non-Publication Request: No

Early Publication Request: No

Title

Methods and devices for defining and marking tissue

Preliminary Class

600

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).